IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1740 OF 2006
IN
WRIT PETITION NO. 7844 OF 2004

Dilawar S. Nakhawa ..Applicant

Vs.

State of Maharashtra and ors. ..Respondents

Mr. J.P. Shah i/by Mr. R.G. Desai for applicant.
Mr. S.R. Nargolkar, AGP for respondent nos.1 to 4.
Mr. Manoj Chatage h/f Mr. S.D. Dharmadhikari for respondent nos.5 and 6.

CORAM: B.H. MARLAPALLE &
V.M. KANADE,JJ.

Date : April 19, 2007.

P.C.:

1. This Civil Application was disposed off on 8/8/2006 by the following order:-

"Status quo as of today be maintained. Civil Application accordingly disposed of."

2. It is now submitted by the learned counsel for the applicant that on account of the status quo order, the application moved before the Charity Commissioner

i.e. Application No. 18 of 1999 is not being heard and, therefore, this motion has been taken out for an order speaking to minutes.

3. In Writ Petition No. 2127 of 2003 and Writ Petition No. 7844 of 2004 and other connected more than 70 Writ Petitions, the Circular dated 24/7/2003 issued by the Charity Commissioner, Maharashtra State has been challenged and all these petitions have been admitted and by way of interim relief the operation of the Circular has been stayed.

4. During the pendency of these petitions a fresh Circular came to be issued in the nature of Corrigendum on 26/4/2005 (published in the Gazette of the State Government on 5/5/2005) by the Additional Collector and Chief Executive Officer, Maharashtra State Board of Wakf at Aurangabad. By amending the pending petitions the said Corrigendum Circular dated 26/4/2005 has also been challenged and, therefore, in Civil Application No. 1740 of 2006 the order of status quo came to be passed.

5. It is hereby clarified that this order of

status quo does not come in the way of the Charity Commissioner in proceeding to decide the pending application i.e. Application No. 18 of 1999 on its own merits.

6. We have also noted that the learned AGP has submitted a list of 73 Writ Petitions which have a common challenge i.e. the legality of the Circular dated 24/7/2003 and the Corrigendum Circular dated 26/4/2005 (published in the Gazette of the State Government on 5/5/2005). The learned AGP, therefore, prays that all these petitions should be clubbed and listed for final hearing before an appropriate Division Bench either on the Appellate Side or the Original Side of this court. The learned AGP is not sure whether similar petitions have been filed and are presently pending before the other two Benches of this Court.

7. We are satisfied that the prayer made by the learned AGP is reasonable and the same deserves to be considered.

8. We, therefore, direct the Registrar (Judicial)

to place a copy of this order before the Hon'ble the Chief Justice for constituting a special Bench or for directions to list these petitions before an appropriate Division Bench for final hearing immediately after summer vacation.

9. Motion disposed off accordingly.

(V.M. Kanade,J.) **(B.H. Marlapalle,J.)**